

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

WP(C).No. 24279 of 2007(M)

PETITIONER:

**MINI, W/O. PRASANNAN,
RESIDING AT AMRITHALAYAM, THATTATHUMALA,
PAZHAYAKUNNUMMEL VILLAGE, THIRUVANANTHAPURAM.**

BY ADV. SRI.PRATHEESH.P

RESPONDENTS:

- 1. STATE OF KERALA, REPRESENTED BY
THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM.**
- 2. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES, VANCHIYOOR, THIRUVANANTHAPURAM.**
- 3. KILIMANNOOR CO-OPERATIVE AGRICULTURE &
RURAL DEVELOPMENT BANK LTD.NO.T.316,
KILIMANOOR, REPRESENTED BY ITS SECRETARY.**
- 4. THE SPECIAL SALE OFFICER,
KILIMANOOR CO-OPERATIVE AGRICULTURE & RURAL
DEVELOPMENT BANK LTD. T-316, KILIMANOOR.**

R1 & R2 BY GOVERNMENT PLEADER (SMT. ANU SIVARAMAN)

R3 & R4 BY ADV. SRI.NAGARAJ NARAYANAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

K. M. JOSEPH, J.

W.P.C. NO. 24279 OF 2007 M

Dated this the 10th August, 2007

JUDGMENT

Case of the petitioner, in brief, is as follows:

Petitioner and her husband availed two loans from the third respondent Bank, in a total sum of Rs.5 Lakhs for construction of their house. As per the schedule of repayment, the loans were to be closed within ten years. Petitioner's husband has gone to Gulf in search of a job and the petitioner is residing in the property with her minor children. It is stated that an amount of Rs.2,40,000/= has been repaid. But, the respondent Bank without any notice to the petitioner or her husband has curtailed the loan repayment period and published the name of the petitioner and her husband as defaulters by giving an advertisement vide Ext.P4, wherein it is stated that the dues is Rs.8,76,000/= and that the fourth respondent will conduct public auction of the property. Petitioner approached the Bank and sought the benefit of One Time Settlement Scheme and to

extend the benefits of Exts.P5 and P6 Circulars. It is stated that the Bank has calculated penal interest, overdue interest and compound interest at exorbitant rates.

2. Heard the learned standing counsel appearing for the respondent Bank also. Petitioner prays that she may be permitted to pay off the amount due in easy instalments. Having regard to all facts, I feel that the petitioner can be permitted to repay the amount in ten equal monthly instalments. Accordingly, the Writ Petition is disposed of as follows:

The third respondent Bank will serve a Statement on the petitioner showing the exact amount due from the petitioner with interest and also fixing the amount of instalments on the basis that the petitioner has to pay the entire amount in ten equal monthly instalments. This shall be done within two weeks from today. The first instalment shall be paid on or before 15.9.2007 and the remaining instalments shall be paid on or before the 15th of every succeeding month. If any of the instalments is not paid, the benefit of this Judgment will be forfeited and it will be open

to the respondent Bank to proceed against the petitioner in accordance with law. It is open to the petitioner to point out any error in calculation, upon receipt of the Statement from the respondent Bank.

K. M. JOSEPH, JUDGE

kbk.